

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.04 O, Closed Area 39-C, McHerd Cove - Webber Cove, East Blue Hill, promulgated on January 25, 1990, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.04 O, Closed Area No. 39-C, McHerd Cove - East Blue Hill.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of McHerd Cove inside (northwesterly) of a line beginning at the most eastern prominence of McHerd Point (southerly of the Yacht Basin) and running in a northeasterly direction (about 400 yards) to the most southeastern point of land (known locally as Smitty's or Birch Point) at the mouth of Curtis Cove (about 100 yards northeast of Mink Island).

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: December 17, 1993

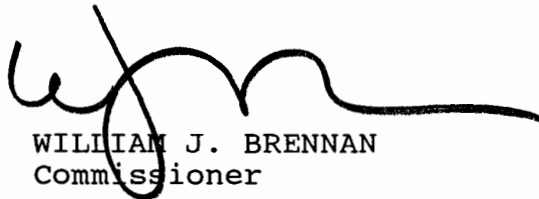
AGENCY CONTACT PERSON: Robert D. Lewis
Department of Marine Resources
State House Station #21
Augusta, ME 04333

BANGOR DAILY NEWS
December 21, 1993

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.04 O, Closed Area 39-C, McHerd Cove - Webber Cove, East Blue Hill, promulgated on January 25, 1990, replaces it with a new regulation. This new regulation shrinks the previous closure to include only the shores, flats and waters of McHerd Cove (at East Blue Hill).

Department personnel have determined that the flats and waters from Curtis Cove to Webber Cove, in the Town of Blue Hill, are no longer subject to intermittent biological pollution. As a consequence, clams, mussels, quahogs and oysters, therein can be harvested without threat to the public health. Department personnel have also determined that the closed area (McHerd Cove) is subject to intermittent microbiological pollution and consequently the area must be closed to protect the public health.



WILLIAM J. BRENNAN
Commissioner

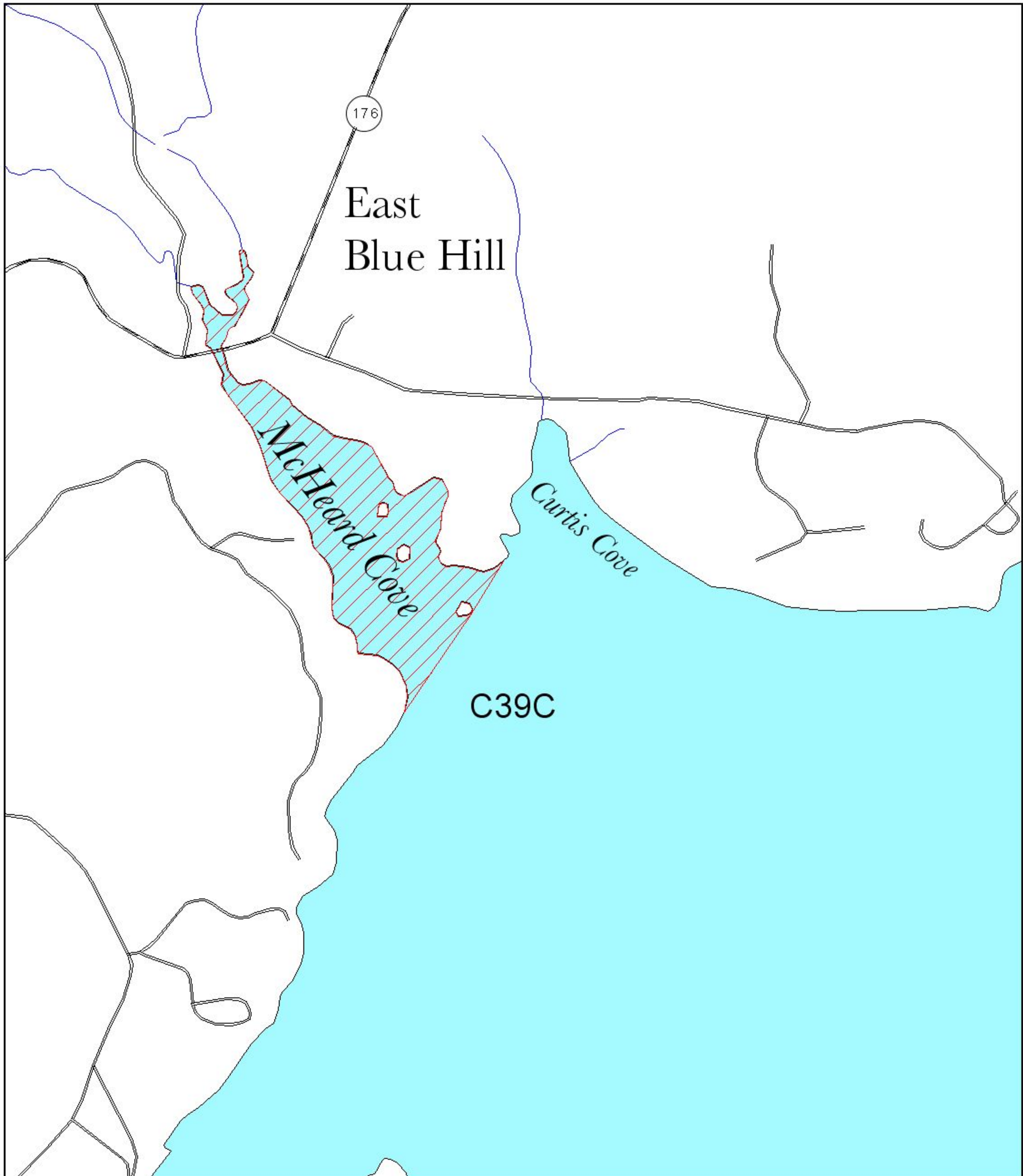


Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

For: Blue Hill

C39C - McHeard Cove, East Blue Hill 12/17/93



0.5 0 0.5 Miles